

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

BRIAN DAVID MATTHEWS,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

CASE NO. C14-5485 RBL

ORDER DENYING APPLICATION  
TO PROCEED IN FORMA  
PAUPERIS

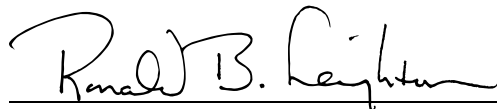
THIS MATTER is before the Court on Plaintiff Matthews' Application to Proceed in forma pauperis. [Dkt. #1]. Matthews' proposed complaint against the State of Washington is based on his claim that his name—"Matthews, Brian"—is a Trade Name. He claims to have recorded various documents with the Pierce County Auditor, which had the effect of creating a "express contract" for any and every unauthorized use of the Trade Name. He claims that the state has breached this contract and his trade name rights no less than one hundred times over the past 30 months by using his name, diluting it and infringing upon his rights. He seeks an injunction, \$180,000,000 punitive damages—trebled,—and an additional \$100,000,000 for interference with his contract, causing default.

1 A district court may permit indigent litigants to proceed *in forma pauperis* upon  
2 completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad  
3 discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil  
4 actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th  
5 Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed  
6 *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the  
7 action is frivolous or without merit.” *Tripathi v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369  
8 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*  
9 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*  
10 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.  
11 1984).

12 Against this standard, Plaintiff’s Complaint is frivolous on its face, and his application to  
13 pursue it *in forma pauperis* is DENEID. Plaintiff shall pay the filing fee within 15 days or this  
14 matter will be dismissed. Even if he does pay the filing fee, the complaint as written is subject to  
15 dismissal on the Court’s own motion.

16 IT IS SO ORDERED.

17 Dated this 21<sup>st</sup> day of July, 2014.

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19 RONALD B. LEIGHTON  
20 UNITED STATES DISTRICT JUDGE  
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